



Family Liaison Office

Direct Communication Project

Resource No. 37

Naturalization under Immigration and Naturalization Act Section 319(b)

The Family Liaison Office (M/DGHR/FLO) acts as liaison with the Immigration and Naturalization Service (INS) in foreign-born spouse naturalization cases. Department of State employees may contact the Family Liaison Office to obtain information regarding this process. The naturalization portfolio has been transferred to the Family Liaison Office from the Office of Employee Relations. (REF: 00 STATE 137853, 99 STATE 134190.)

Foreign-born spouses of Department of State employees are exempt from the three-year physical presence requirement in the United States prior to application for citizenship, but they must meet three requirements prior to sending a naturalization application and supporting paperwork to the Department of State. Those requirements are:

- 1) The foreign-born spouses must, repeat must, have entered the U.S. legally and have Legal Permanent Resident Alien (LPRA) status to apply;
- 2) The spouse must be going with the employee on an overseas posting for at least one year after naturalization and the employee must have one full year left on orders. (INS is not willing to waive this requirement); and
- 3) The applicant should be departing the U.S. for that overseas destination within approximately 45 days of naturalization.

In some cases, the Department of State employee and LPRA spouse apply for naturalization under 319(b) from overseas and arrange to come back to the U.S. for the naturalization appointment and swearing in on home leave or annual leave.

Upon receipt of an LPRA spouse's application, photographs, fingerprint card, documentation and check for \$225.00 (\$250 if the applicant is in the US and will have fingerprints taken before leaving for post), the Family Liaison Office transmits the paperwork for initial processing to the INS Service Center closest to the INS Branch

Office where the applicant wishes to have his/her citizenship interview. Applicants may request the interview at any INS branch handling citizenship cases. Most of the Department's applicants request appointments at the INS Washington Branch in Arlington because of its proximity to the Department of State and knowledge of foreign spouse naturalizations. In those cases, the Family Liaison Office delivers the N400 application to the INS office directly.

A U.S. address has to be provided on the naturalization application (N-400). Employees should never provide a pouch address, but can use an APO address.

When an applicant has not yet entered the U.S. as an LPRA, INS will NOT repeat NOT accept paperwork from the Department of State nor fingerprints taken at post.

When an applicant has Legal Permanent Resident Alien (LPRA) status, the procedure for naturalization is as follows:

- 1) Upon entry into the United States with an immigrant visa, the INS office at the airport sends the applicant's immigration documents to the National Records Center in Missouri where they are made into an "A" (alien) file and stored until requested by an INS Service Center.
- 2) The applicant then sends or brings the application, together with the requested documentation and a check for \$250 (\$225 if the application is accompanied by fingerprint cards and the applicant is already residing overseas) to the Family Liaison Office. This packet, with a Department of State cover letter, is forwarded to the INS Office in Arlington, VA, or is sent directly to the appropriate INS Service Center. Upon receipt of the packet, the INS Service Center locates and holds the applicant's "A" (alien) file until the INS Appointment Branch requests it.
- 3) The INS Service Center sends to the applicant (at the address on the N-400 application) an authorization for fingerprinting at the INS-designated facility closest to that address. After the applicant has been fingerprinted, the prints are sent to the FBI for clearance. Once they have cleared, the result is entered into the nationwide INS database. If the applicant is applying from overseas and therefore can not appear for a fingerprint reading in person, fingerprint cards prepared at post should be included with the application and the \$225 check. (Applicants should use fingerprint cards provided by the INS or the Family Liaison Office.)
- 4) When the INS Appointment Branch sees the fingerprint results on their computer, they request the "A" file from the INS Service Center, which locates it and sends it on.
- 5) Once all the paperwork has been completed, the INS Appointment Branch will schedule the final interview and subsequent swearing in. Because appointment requests for specific dates will not be confirmed by INS until the fingerprint results are showing on the INS Appointment Branch computer and the "A" file has been

requested and received by that office, travel plans for foreign-born spouses can be problematic.

As INS liaison, the Family Liaison Office makes every effort to assist, but the Department of State has no authority, official or unofficial, over citizenship processing. As stated in REFTEL, given INS workload and limited resources to contend with the new complex citizenship processing requirements, there can be no guarantees.

The naturalization process under 319(b) is taking an average of eight months. This is the time between filing the N400 and the actual naturalization interview with INS. After naturalization at the Arlington, VA INS branch, the applicant may take his/her citizenship certificate to Assignments Division, HR/CDA, Room 2419, Main State, to begin diplomatic passport/visa processing. The employee's personnel technician in that office will assist with entry through the "C" Street entrance. If using another INS appointment branch, it is recommended that the applicant obtain a tourist passport/visa in that city and apply for a diplomatic passport/visa at post.

After naturalization, the U.S. passport should be used to travel in or out of the U.S. If the applicant's country of origin chooses to continue renewing his/her passport, however, it may be used at other times.

This FLO Direct Communications Paper is not meant to be all-inclusive. Any individual case may have unique requirements related to military service, child support, or requests for other records that add additional requirements to the process. Therefore, for further information, please contact Vanja Huth in the Family Liaison Office at 202-647-1076, via fax, 202-647-1670, or by email (HuthVS2@state.gov).

The Family Liaison Office provides assistance to all Foreign Affairs agencies in other program areas. However, FLO's naturalization assistance is limited to Department of State spouses due to the large number of new and pending cases. The processing time is under the sole authority of the Immigration and Naturalization Service. Recent Congressional changes have added requirements and increased the complexity of the process. FLO will provide general guidance to spouses from other agencies and work with office counterparts to share information.

For INS Information:

Visit the INS web site: www.ins.usdoj.gov

INS Arlington Office (near Ballston Metro stop)
4420 N. Fairfax Drive
Arlington, VA 22203

INS: 1-800-375-5283